HIGH COURT OF JUDICATURE CHHATTISGARH :BILASPUR

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
& HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO. 600 OF 2006

PETITIONER

Gram Panchayat Sirsa Khurd
Through : Sarpanch
Shri Lalit Agrawal
Aged about 50 years,
S/o Shri Devi Prasad Agrawal
R/o Village :- Sirsa Khurd
Block Development Durg
Gram Panchayat Sirsa Khurd
Tahsil & Distt.Durg (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh
Through Principal Secretary
Revenue Department
Government of Chhattisgarh
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.)

2. Nayab Tahsildar
Durg Tah. & Distt. Durg (C.G.)

3. Sub-Divisional Officer
Durg (C.G.)

4. The Collector
Durg (C.G.)

5. C.G. Town and Country Planning
Through Joint Director
Durg (C.G.)

6. Municipal Corporation Durg
Through Commissioner
Municipal Corporation
Hindi Bhawan, G.E. Road
Durg (C.G.)

Present : Shri V.G. Tamaskar, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

Oral Order
(7th February, 2006)

The following order of the Court was passed by

D.R. DESHMUKH, J.

In this writ petition under Articles 226/227 of the Constitution of India, the petitioner i.e. Gram Panchayat, Sirsa Khurd has challenged the order dated 24.12.2005, passed by the Collector, Durg, whereby upon an application by the Municipal Corporation, Durg for construction of transport township, the Collector, Durg after inviting objections and considering them, has allotted the subject land bearing Khasra No.853, area 19.06 Hectares in favour of the Municipal Corporation, Durg. The petitioner has filed this writ petition as public interest litigation.

(2) Having heard learned counsel for the parties and after perusing the order dated 24.12.2005, we find that before passing the impugned order, the Collector, Durg invited objections by issuing a notification and had after considering the objections filed by the petitioner – Gram Panchayat, passed a speaking order. The contention of the petitioner – Gram Panchayat that the subject land would be allowed to remain as cattle grazing ground was also considered by the District Collector, Durg. It is not that the Collector, Durg has allotted the subject land to some private parties. The District Collector having appreciated the need of the Municipal Corporation, which is a local body and having received the opinion from the Town & Country Planning Authorities, thought it appropriate to allot the subject land to the Municipal Corporation, Durg to sub-serve the needs of the Corporation. Such an action of the District Collector could not be condemned as arbitrary or unreasonable. Be that as it may, on the date the grant was made, the

petitioner – Gram Panchayat had no vested right in the subject land. We are at a loss to understand how Gram Panchayat could maintain this writ petition against the order of the District Collector. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
D.R. Deshmukh
Judge